



ITW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tetsuo ASADA

**Attention: Director of Technology
Center 3600**

Group Art Unit: 3653

Application No.: 10/695,827

Examiner: T. MORRISON

Filed: October 30, 2003

Docket No.: 117637

For: SHEET FEED DEVICE FOR FEEDING CUT SHEETS WHILE INTERPOSING
SHORTENED INTERVAL BETWEEN SUCCESSIVELY FED TWO SHEETS

**PETITION UNDER 37 C.F.R. §1.181 TO WAIVE THE GOVERNMENT
FEE FOR THE FOUR MONTH EXTENSION OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to the outstanding Office Action in the above-identified patent application. The Office Action allegedly was mailed on December 30, 2004 and the shortened statutory period for reply expired on January 30, 2005. However, Applicant only became aware of the Office Action on May 20, 2005 (i.e., almost four months after the shortened statutory period for reply expired), and promptly filed a reply on May 27, 2005. It is requested that the Patent Office waive the government fee for the four month extension of time.

According to the Patent Office PAIR database, an Office Action (an Election of Species Requirement) was mailed by the Patent Office on December 30, 2004 for the above-identified application. However, Applicant's undersigned representative hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicant or anyone else associated with the prosecution of this application.

On May 2, 2005, which was approximately eighteen months after Applicant filed the application, Applicant's undersigned law firm automatically monitored the status of this application by filing a Status Inquiry Letter. Examiner Morrison telephoned Applicant's representative on May 19, 2005 and stated that an Office Action was mailed on December 30, 2004. Applicant's undersigned representative checked the Patent Office PAIR database and indeed discovered the existence of the December 30, 2004 Office Action. Because an image file wrapper of this application was available from the Patent Office, on May 20, 2005 Applicant's undersigned representative downloaded the December 30, 2004 Office Action. Accordingly, through Applicant's own efforts, Applicant obtained the December 30, 2004 Office Action on May 20, 2005. Applicant also encloses a reply to the Office Action (an Election of Species Requirement) within one month of discovering the Office Action.

Accordingly, Applicant requests that the Patent Office waive the government fee for any extension of time because Applicant filed a reply to the outstanding Office Action within one month of when Applicant became aware of, and obtained by downloading from the PTO website, the December 30, 2004 Office Action.

Applicant's undersigned representative submits that Applicant has satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicant never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the May 20, 2005 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e., the entire one-month period for reply) had elapsed when Applicant received the Office Action. With respect to I(C), Applicant's undersigned representative has explained and

set forth the date of receipt of the Office Action. Applicant cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicant still has not received the Office Action that was allegedly mailed.

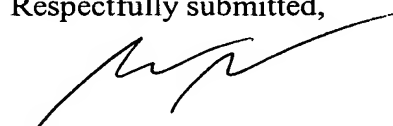
In order to establish that the December 30, 2004 Office Action was not received by mail by Applicant's undersigned representative, attached hereto is a docketing sheet related to the above-identified application. As indicated by the encircled portion labeled A on Sheet 1, the December 30, 2004 Office Action was entered into Oliff & Berridge's computerized docketing system on May 20, 2005 at 11:21 AM. In particular, the December 30, 2004 Office Action is indicated under the column "Event Date" as "2004-12-30". As can be seen under the column labeled "Date Changed" the date for that December 30, 2004 was changed on May 20, 2005 at 11:21 AM. In addition, the letter "I" under the column labeled "Action" signifies that the particular action was initially ("I" stands for Initial Entry) entered on May 20, 2005.

Accordingly, the December 30, 2004 Office Action was not entered into Oliff & Berridge's computerized docketing system until the downloaded version was obtained on May 20, 2005 by Applicant's undersigned representative, and promptly given to the Oliff & Berridge docketing department. As the Oliff & Berridge docketing department immediately enters Patent Office communications when received (usually by mail from the Patent Office), the fact that the Office Action was not entered until May 20, 2005 further establishes that the Office Action allegedly mailed by the Patent Office on December 30, 2004 was never received by Oliff & Berridge.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition or for the extension of time.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Attachment:
1 Sheet

Date: May 27, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

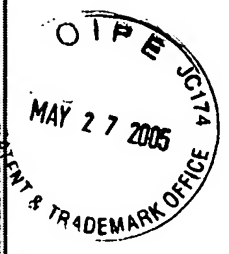
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| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
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Basic | Case Summary | Timekeepers | Assignee | Inventors | Other Details | Related Cases | Actions | Official Nos | Docket Note

Docket No: 117637 U.S. Patent - Properties
 Application No.: 10/695,827 Pending

Action: ☐ All Events ☐ Show Ad-hoc Reminders



Event History

Current Event

Event: 1 month restriction mail date Due Date: Created By Criteria: 160590
 Event Number: -11357 Cycle: 1 Created By Action: EN
 Event Date: 12/30/2004 Event Text:

| Event | Event No | Staff | Date Changed | Action | Cycle | Event Date | Due Date | Date Remi |
|-------------------------------|----------|-------|----------------------------|--------|-------|------------|----------|-----------|
| 1 month restriction mail date | -11357 | ibola | 2005-05-20-11.22.00.143000 | U | 1 | 2004-12-30 | | |
| 1 month restriction mail date | -11357 | ibola | 2005-05-20-11.21.59.503000 | I | 1 | 2004-12-30 | | |

A

SHEET 1